



STATE OF DELAWARE
STATE FIRE PREVENTION COMMISSION
DELAWARE FIRE SERVICE CENTER

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DOVER, DELAWARE 19904

STATE FIRE PREVENTION COMMISSION

Monthly Meeting

February 21, 2006

MEMBERS PRESENT

Kenneth H. McMahon, Chairman
W. (Bill) Betts, Jr., Vice Chairman
Daniel W. Magee
Francis J. Dougherty
Bob Ricker
Marvin C. Sharp

Mike Kernan, Director State Fire School
Willard F. Preston, III, State Fire Marshal
E. David Bailey, M.D., BLS Medical Director
Sherry Lambertson, Executive Secretary

GUESTS

Steve Martin, Deputy Director State Fire School
Grover P. Ingle, Assistant State Fire Marshal
Kenny Pyle, DVFA
Richard R. Ward, Assistant State Fire Marshal
R.T. Leicht, SFMO
Craig Temple, Millville Vol. Fire Company
Rancel Evans, Millville Vol. Fire Company
Bob Magee, Millville Vol. Fire Company
Marshal Lewis, Millville Vol. Fire Company

CALL TO ORDER

Chairman McMahon called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

REGULAR SESSION

APPROVAL OF JANUARY 17, 2006 COMMISSION MEETING MINUTES

It was moved by Commissioner Sharp, seconded by Commissioner Betts that the minutes of the January 17, 2006 Commission meeting be approved as amended. Motion carried unanimously.

CALL FOR ADDITIONAL AGENDA ITEMS

Chairman McMahon called for additional agenda items. Commissioner Ricker called to remove item (F) Abuse of Emergency Ambulance System from the agenda. No agenda items added. It was moved by Commissioner Ricker, seconded by Commissioner Magee to approve the agenda as amended. Motion carried unanimously.

REPORT OF THE STATE FIRE MARSHAL

Agency's Activity for the month of January is as follows: investigations 94- (criminal 30- /accidental 55- undetermined 9-); arrests 8-; inspections 776- (health care 7-/deputy 108/tech services -240 "QAP-421"); complaints-53; plan reviews 443-; PRUF revenue collected (Jan.) \$232,538 year to date \$1,400,033; total overtime hours worked (enforcement) 154.0-; time off in hours 345.5 (vacation 50.5- /compensatory leave 112.5- /sick leave 47.5- /holiday 135.0- /compassionate 0.0)

INFORMATIONAL ITEMS

Personnel Issues

Initial interviews have been completed for the Deputy Fire Marshal I position in Kent County. The agency is waiting on background checks for future interviews.

The Fire Marshal recommended hiring LuAnn James as an Administrative Specialist I for Sussex County. It was moved by Commissioner Ricker, seconded by Vice Chairman Betts to authorize Fire Marshal Preston to hire LuAnn James in Sussex County. Motion carried unanimously.

Personnel Issues cont.

The Fire Marshal recommended hiring Kristin Horton as an Administrative Specialist I for Kent County. It was moved by Commissioner Ricker, seconded by Vice Chairman Betts to authorize Fire Marshal Preston to hire Kristin Horton in Kent County. Motion carried unanimously.

DFIRS Update

The following fire companies are delinquent in DFIRS requirements.

- **New Castle County**

Belvedere	November & December
Five Points	November & December
Odessa	July, November (partial), December

- **Kent County**

Clayton	November & December
Harrington	December
Leipsic	December
Marydel	December

- **Sussex County**

Blades	December
Memorial	November & December

Hardwired Smoke Detectors

Fire Marshal Preston stated that the program is moving along. He has spoken to a representative whom would like legislation introduced to continue the hardwired smoke detector program. This program initially started with \$500,000 of tobacco funds and is now depleted down to approximately \$200,000. It was moved by Commissioner Magee, seconded by Commissioner Ricker to pursue getting more funds for the hard-wired smoke detector program with Representative Wayne Smith. Motion carried unanimously.

False Fire Alarms

Fire Marshal Preston asked the Chief Deputy Fire Marshal in each county to make individual contacts at Chief's meetings monthly about not reporting. The Fire Marshal Office will assist them in any way to help them get reporting started.

Plan Reviews

Commissioner Magee asked about a 5-day turn around on plan reviews. Some concern has been shown about turn around time through the mail. Fire Marshal Preston stated that the 5-day turn around was given to work with the County submission process because the Fire Marshal's Office was being constrained. The office is not under these same constraints currently to get their comments to the county planning office. They now have 10-days. The Fire Marshal Office practice is to mail them to the departments as they get them in Kent and Sussex Counties. In New Castle County they go to the Chief's meetings because of the timing of the meetings. The 5-days was initially introduced to push things along. The Fire Marshal's Office is not going to turn a Chief away if they are at the 7th day for example. Fire Marshal Preston asked to have these Chief's call him if they have concerns.

Kent County Office Water Issue

Fire Marshal Preston reported that Facilities Management is now showing an interest in taking care of the water/well problem at the Kent County office.

Fire Fatality

Fire Marshal Preston reported on a fire fatality in February. There were smoke detectors present in the structure and at the present time are being tested to see if they were operational. It is believed that the detectors were operational at the time of the fire and the fire remains under investigation.

Joint Finance Committee Hearing

Fire Marshal Preston reported that the Joint Finance Hearing went well. Fire Lane Requirements and regulations were discussed. The agency request appeared to be well received.

Increased Office Security Update

The Kent County office security lock system has been installed. Anyone entering the building must be buzzed in through the front office.

NFPA 921 Meeting

Fire Marshal Preston attend the NFPA 921 meeting in Mesa, Arizona, February 6th – 11th. He felt that a lot of information came from the meeting that could effect fire investigations.

Vehicle Update

Fire Marshal Preston updated the Commission with new vehicle lease requirements for the state. His agency continues to try to feel it's better to buy them verses a lease.

SFPC Regulation Proposed Updates

The Commission will be prepared to accept proposed changes to the regulations from the State Fire Marshal's Office at the March 21, 2006 Meeting. A formal presentation will be given at the April 17, 2006 Commission Meeting.

Fire Hydrant

Fire Marshal Preston discussed an issue that came up recently about fire hydrants and the direction that they open. Hydrants do not have a standard turn to open them for use. This causes a problem and is being researched by R.T. Leicht. The Commission will be kept apprised to any changes in the state.

ACTION ITEMS

No report at this time.

FIRE MARSHAL/FIRE SCHOOL

No report at this time.

MISCELLANEOUS

No report at this time.

ACTION ITEM

Millville Volunteer Fire Company

The Commission heard a request presented by Millville Vol. Fire Company for a new sub-station in their district. The new sub-station is felt necessary because of:

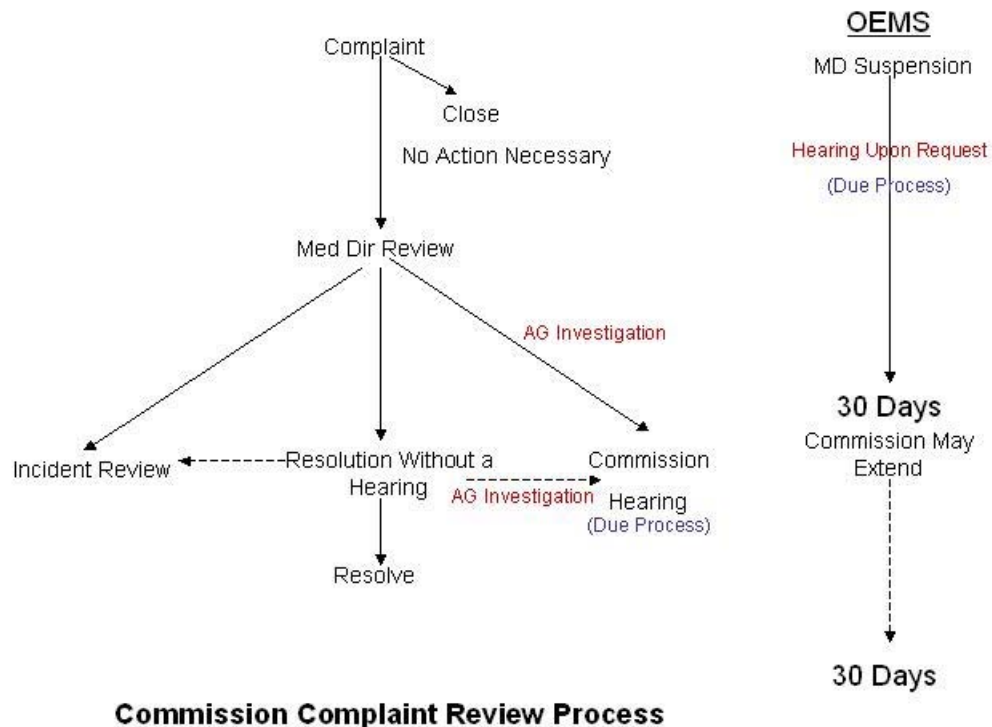
- Community Growth
- Cost of Living
- Increased Traffic Congestion
- Master Planned Community with approximately 3500 Units

Millville Volunteer Fire Company cont.

- District Saturation
- Call Volume Increase
- Over 55 Age Limit Communities with Senior Center. (Several Planned)
- On a Saturday in the summer months, over 20,000 cars go through a main intersection in Millville. What were once considered back roads by the locals are now used as main roads.
- Recruitment/Retention – Young people can't afford to come into the community because they cannot normally afford housing in the area because it is a beach resort.
- Millville is rapidly annexing property.
- Millville has 1500 – 1800 Ambulance calls per year and 300 Fire call per year.
- Millville purchased a 7-acre farm. A pre existing building on the property will be used for a sub-station with renovations temporarily.
- Long-term plan over a 5-year period of time is to construct a new sub-station.

It was moved by Commissioner Magee, seconded by Commissioner Ricker to approve the sub-station request from Millville Volunteer Fire Company presented at today's Commission Meeting. Motion carried unanimously.

BLS Medical Director



BLS Medical Director cont.

Dr. Bailey reviewed the updated Commission Complaint Review Process with the Commissioners. A great deal of conversation ensued about the process and concerns with an added individual to the process called a "Hearing Investigator/Officer". The Commission cannot be this third party because they will make a judgment on the case when presented before them. The Attorney General's Office are the prosecutors, they cannot be the third parties in the case. The Medical Directors are not willing to be the third party after meeting and discussing this process. Chairman McMahon stated that in the last meeting he attended, he was told that the Medical Director's Attorney General was supposed to talk to the Commission Attorney General and work out the fine details. The Medical Directors AG has never made that contact. DAG Hanley has never heard anything about a hearing officer. The Commission discussed possible actions that would be taken by the Office of EMS (Medical Directors) and/or the Commission against an EMT-B after a violation of a protocol, regulation or law. It was recommended by Dr. Bailey and the Commission to have DAG Hanley write up a statute to state the qualifications required and the offenses for which one can be disciplined or decertified.

Volunteer Fire Department Employee Documentation

Commissioner Magee discussed requiring fire companies to verify credentials of EMT's and firefighters through the Fire School before employment and volunteerism. Dr. Bailey felt it was a good idea for EMS and Fire. Sandy Hypes stated that it would not be a burden on the system to check a person's records or credentials. Director Kernan asked how much information is allowed to be shared? DAG Hanley stated that the Division of Professional Regulation has every occupation and license available on their website. They specify how much can be reported through their website. Commissioner Sharp felt it was micromanaging to require the companies to verify credentials. Dr. Bailey felt a fire company should want to check credentials for the simple fact of liability. Vice Chairman feels it is good business practice to follow through with checks.

It was moved by Commissioner Ricker, seconded by Commissioner Magee to enter into Executive Session for personnel reasons. Motion carried unanimously. The Commission entered Executive Session at 11:45 a.m.

EXECUTIVE SESSION

It was moved by Commissioner Magee, seconded by Commissioner Ricker to go out of Executive Session. Motion carried unanimously. The Commission exited the executive Session at 12:03 p.m.

REGULAR SESSION

ACTION ITEM

Personnel

It was moved by Commissioner Ricker, seconded by Vice Chairman Betts to authorize Fire Marshal Preston to hire LuAnn James and Krintin Horton as requested by Fire Marshal Preston. Motion carried unanimously.

Simulator Trailer

The Commission was given a tour of the new simulator trailer at the Fire School by Jerry Brennan and Director Kernan. The Commission looks forward to seeing the progress made by training with the trailer.

Business License Information

It was moved by Commissioner Sharp, seconded by Commissioner Ricker to bring the business license off of the table for discussion. Motion carried unanimously.

It was moved by Commissioner Sharp, seconded by Commissioner Ricker to mandate all part-time instructors for the Delaware State Fire School to be employed by the state as Casual Seasonal employees and paid through the State of Delaware. Motion carried unanimously.

REPORT OF THE FIRE SCHOOL DIRECTOR

INFORMATIONAL ITEMS

Director

Director Kernan thanked Deputy Director Steve Martin for filling in while he was out on medical leave.

Deputy Director Martin attended a Pro board conference. Later this year the school will have a site visit. He has also been selected to sit on an IFSTA Committee.

Financial Update

Director Kernan submitted a written financial update. The Fire School remains in good financial shape.

Maintenance Issues/Projects

The first of the new pumps is in and running. The funds are tentatively in the budget for the next two pumps to be ordered.

The water will be turned off on February 23rd at the Fire School for facilities to do some water testing.

Director Kernan discussed increasing the security at the Fire School. He stated they want an open area for people to come into but also be safe. The staff offered suggestions for increasing security. Security will be tightened up procedurally as well as possibly locking up entrances with the exception of one. Everyone entering the building without a security clearance card will have to come in the main entrance. More accountability is needed for who is in the building. These precautions are to protect the staff of the school.

EMS Training Initiative/EMS Seminar

Director Kernan thanked Sandy Hypes and Jay Myers for putting on an EMS Seminar that was very well received.

Teleconferencing

Teleconferencing equipment has been installed. The school is working on enhancements with equipment to fine tune the process. The staff needs to be trained to use the teleconferencing effectively to be a good teleconferencing instructor. The school has established procedures and a policy. It has been used for a staff meeting that worked well. It is scheduled to be used for a Fire Officer I class that will start March 7th and will run simultaneously through all three centers. Commissioner Magee discussed the cost of teleconferencing training and asked for Director Kernan to get figures to share with the Commission.

Upcoming Events

The Pro Board site visit will be scheduled this year.

An IFSAC Meeting has been scheduled that the Deputy Director will attend.

Chief's Seminar and Instructor's Seminar are scheduled for this upcoming weekend.

FIRE MARSHAL/FIRE SCHOOL

No report at this time.

ACTION ITEMS

EMS Full Service Inspections/Surveys/Individual Vehicle Inspections

Sandy Hypes reviewed a proposed policy with the Commission to conduct full inspections, vehicle inspections and surveys. The Commission agreed with the policy presented and will ask Deputy Attorney General Hanley to review the policy for legal relevance.

Sandy Hypes discussed a recent spot inspection failure of a Care First Transport unit. Seven volunteer spot inspections were done on this same day as well as two private companies. CFT was given 5 days to bring the unit up to regulation. The unit was in such disarray; Mrs. Hypes would have removed the unit from service at that moment. The missing equipment was discussed with the Commission.

It was moved by Commissioner Ricker, seconded by Commissioner Magee to send CFT a cease and desist order until all violations are corrected upon a 24-hour notice to Deputy Attorney General Hanley. Motion carried. Commissioner Dougherty voted nay.

MISCELLANEOUS

A Fire Safety Activity report and Risk Watch report were presented to the Commission for review.

REGULAR SESSION

REPORT OF DEPUTY ATTORNEY GENERAL

Four-Mile Rule

Commissioner Ricker asked Mr. Hanley to explain the four-mile rule in regard to new stations and sub-stations. Mr. Hanley responded that the statutory language of §6619 had been amended since the Attorney General's Opinion in 1980. As the law now reads, the Commission is empowered to determine whether any new fire stations or substations shall be authorized. The Commission may not authorize the establishment of a new fire station within four miles of an existing fire company unless the Commission makes the findings required by §6619.

Four-Mile Rule cont.

Since the statute only imposes the four-mile limit on establishing a new fire company and not substations, the four mile limit does not apply to Commission decisions regarding the establishment of a substation.

Deputy Attorney General Report cont.

Deputy Attorney General briefed the Commission on three pending lawsuits with Dover Volunteer Fire Company vs. Cheswold Volunteer Fire Companies, Tidewater Utilities vs. State Fire Prevention Commission and Richardson United Methodist Church vs. State Fire Marshal Office and State Fire Prevention Commission.

It was moved by Commissioner Sharp, seconded by Commissioner Ricker to enter into Executive Session for personnel reasons. Motion carried unanimously. The Commission entered Executive Session at 2:43 p.m.

EXECUTIVE SESSION

It was moved by Commissioner Ricker, seconded by Commissioner Dougherty to go out of Executive Session. Motion carried unanimously. The Commission exited the executive Session at 4:01 p.m.

ACTION ITEM

Delaware State Fire School Future Plan

It was moved by Commissioner Magee, seconded by Commissioner Dougherty to request Director Kernan to present a one-year and a five-year draft proposal in regard to the future of the Delaware State Fire School. This document should be presented to the Commission and ready for discussion by the April 18, 2006 Commission Meeting. Motion carried unanimously.

REGULAR SESSION

GENERAL INFORMATION

No report at this time.

CORRESPONDENCE

No report at this time.

MISCELLANEOUS INFORMATION

No report at this time.

REPORT OF THE COMMISSIONERS

Chairman Kenneth H. McMahon

Chairman McMahon reported that he attended the Monthly Fire Prevention Commission Meeting, New Castle County Fire Chief's Meeting, Morris King's Viewing in Hartly, Delaware City's Annual Banquet, MISC Committee Meeting, Bill Goldfeder's Seminar in Clayton, Meeting with State Fire Marshall, Meeting with the Governor, Meeting with DAG, Commissioners Betts and Ricker about Sub-Stations, State Fire Chief's Meeting, Dennis Ruben Seminar at Fire School and Meeting with John Hopkins at Christiana.

Commissioner Marvin Sharp

Commissioner Sharp reported that he attended the Monthly Fire Prevention Commission Meeting, Kent County Firemen's Association Meeting, Sussex County Firemen's Association Meeting, Kent County Fire Advisory Meeting and Meeting with CDD.

Commissioner Bob Ricker

Commissioner Ricker reported that he attended the Monthly Fire Prevention Commission Meeting, Meeting with Station 84 re: Substation, Meeting with Hanley, Betts and McMahon, Dagsboro Annual Banquet, Meeting with Sussex Tech Rescue, Joint Finance Committee Hearing, Georgetown Banquet, Meeting with Station 89 re: ambulances, Joe Morris Funeral, Georgetown Fire Prevention Awards, Sussex Chief's Meeting and Meeting with Representative Biff Lee.

Commissioner Willard Betts, Jr.

Commissioner Betts reported that he attended the Morris King Viewing, Kent County Chief's Meeting, Meeting with Director Kernan, Goldfeder Seminar, Meeting with Fire Marshal Preston, Kent County Meeting, Meeting with Governor, Meeting with Jim Hanley, State Chief's Meeting, Steve Austin Reception, Joint Finance Hearing and Kent County Ambulance Meeting.

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DATE OF NEXT MEETING

March 21, 2006
Commission Chamber
Delaware Fire Service Center
1463 Chestnut Grove Road
Dover, DE 19904

ADJOURNMENT

It was moved by Commissioner Dougherty, seconded by Vice Chairman Betts that the meeting be adjourned. Motion carried unanimously. The meeting was adjourned at 4:11 p.m.

Respectfully submitted,

Sherry R. Lambertson
Executive Secretary

sl/